1.Gutierrez de Pineda---63 E-8 (1947) 1950 SC13 Guajiro SC13

/73/
548 maternal relatives; when married, of her husband; and if he dies, of his heirs. In case of adultery it is her lover who must pay to have legal right to her.

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Prostitution, which is continually growing in La Guajira, has many causes, which have developed rapidly in recent times, endangering all the social organization. The principal ones are:

548 567 627 Slavery. The /social/ organization in La Guajira has created for itself this class of social elements placed at the very margin of life. Its origin is in the clan groups which, when weakened by economic failure and the scarcity of male elements to strengthen them, have been slowly pushed to the margin /of society/. The murder, for example, of a member of a powerful group caused by a member of one of these groups spells its ruin. The law establishes in such cases a considerable payment to the maternal relatives of the murdered man by the clan group that is responsible for his death, a payment which has to be transacted in accordance with special forms which facilitate peaceful settlement between both parties and a reasonable time limit, at the termination of which both groups renew their peaceful relations and give proofs of new friendship, although in practice these appearances show themselves to be quite false. However, when the aggressor belongs to an inferior group, these negotiations are not followed out, as it would appear that added to the sorrow over the death is the offense of the crime having been perpetrated by a group without social standing, without prestige, and without sufficient means to pay the indemnity. "These people," say the offended ones, "who have no money to pay us for the grief they have caused us have no right either to a legal negotiation." They fall on the small group in overwhelming numbers like an avalanche, on their lands and their houses, leveling them to the ground without

1.Gutierrez de Pineda--06 S-S (1967) 1950 SC13 Goajiro SC13

/73 cont./

548 547 427 enemy, burning their homes with the occupants in them, destroying the crops, filling up and poisoning the springs, carrying off the few livestock and personal effects there may be about. The worst fate is suffered by the children and especially the women, old women, young women, and girls, who are carried off as trophies of war to pay with their service as slaves for the crime committed by their relative.

548 547 Although these women are not to be considered as true prostitutes, their daughters are forced to suffer this illegal condition because, although they belong to their mother's master, they are wrongly besieged by all the men, especially by those who have not yet been able to buy a wife and who will find /74/ satisfaction in them without economic or social responsibilities. The girls submit little by little to this situation, giving themselves to whoever gives them presents, and eventually become harlots. (Cf. Slavery and Bond Service.)

Furthermore, many of these girls are sold by their masters to be sent out of the peninsula (to Aruba, Maracaibo, Curaçao, Riohacha, etc.), but when they grow up they escape and, when it is possible for them, they return again to La Guajira, where the fate that awaits them is no better, for they have been placed, so to speak, outside the law, as they lack the two strong social bonds: land and blood. Hence, not possessing these, they are free, which is equivalent to being without protection. No one will take notice of what they do, but neither will anyone speak up for them to prevent their being the victims of force. They have no economic backing nor private means. Moreover, many of them have been started off in prostitution during their servitude. In the circumstances described, it is rare that they can raise themselves and manage to find a place again in a society that turned them out, so that they find themselves obliged to live on the margin of society, as also their offspring. In this way slavery creates the prostitute, a public property, something that does not fit within the legal norms, as we have seen throughout this chapter.

/254 cont./

554 group, which implies in fact a lack of social backing. b) eco-
558 nomic losses which prevent their maintaining their clan or family rank and, therefore, their individual prestige. c) the breaking of the regimen for personal security and collective stability which implicitly carries /255/ with it the lowering of status, because when a group which has suffered considerable losses in number as well as in capital commits a punishable act against an individual of a superior clan, it becomes liable, not to the legal negotiation for indemnity but to extermination as a free unit, because the offended group, being superior, will not deal with the offenders on a legal basis. Furthermore, if the infraction wrongs a group weakened in its economy and in the number of its male members, the indemnity is not governed by legality but rests on the individual judgment of the powerful offender, in conflict with whom the offended one cannot put up sufficient coercive force to insist on an adequate indemnity.

671 This phenomenon is due to a clear and precise fact within
627 the social mesh that holds the clans together in La Guajira: questions of law are applicable only when the clan groups who are challenging each other are equally equipped in economic strength and in fighting men. It is only then that the legal action of the arbitrators can be brought into play to negotiate an arrangement equitable to both sides. Law, therefore, is regulated by equality of strength. But once this equilibrium is broken, law no longer exists as an institution if it is contrary to the will of the /stronger/ injured side, which will impose the indemnity by means of its strength and according to its personal ambition, sacrificing the offender both socially and economically, or when the injury has been inflicted on a weaker group, allowing the aggressive action to go unpunished.

4: Petrullo E-5 (1935) 1937
SC13 Goajiro SC13

the men speak some Spanish in addition to their native language. Some of them know how to read and write. They are almost entirely pastoral, possessing great herds of horses, asses, sheep, goats, and cattle. They have borrowed a great deal from the Europeans but they have also kept their own culture to a remarkable degree. As usual, native elements are most strongly present in the non-material phases of culture. Unfortunately they are not united or organized into a modern state, though against all foreigners they stand together as a unit. Authority is acquired by certain caciques through their wealth and membership in the 'casta,' the major social grouping in Guajiro society. Each casta claims a mythological origin and holds sovereignty over a well-defined territory. Many of these castas or social groupings are further subdivided. Each casta has its caciques whose function is chiefly to settle disputes and whose position is inherited, matrilineally. The oldest of them is allowed more authority, but generally it is the wealthiest man, and the one who can marshal more retainers, armed with rifles and revolvers, who is listened to with greater respect. There are further divisions in Guajiro society. At the top are the caciques and their families who are rich and powerful. The next group is composed of peons or retainers in the service of the upper stratum, and at the bottom are the 'slaves' who have been born in that condition or have been enslaved following an offense to some powerful group, and who can even be let out to work for planters in the sugar fields of Zulia. The life of the poor people has not changed much since early times. Polygamy is widely practiced, as is also concubinage, by the wealthier men. Each wife lives in her own rancho and there awaits the occasional visit of her husband. The children inherit property and social affiliations through the mother. Disputes that arise within a casta are settled by arbiters chosen by the families of the litigants. Disputes inter-casta may be settled by arbitration if violence is not desirable. Generally the killing of an individual gives rise to armed action with an eventual composition by payment.

My informants attempted to demonstrate the difference be-

622 Chiefs are polygynous and have many daughters, for
595 whom very high bride prices are paid—sometimes thousands of animals,
583 worth $6,000 to $10,000. Such rich chiefs take great pride in their
556 daughters, dressing them in fine silken robes and necklaces of gold and
pearls and providing them with personal servants.

567 There is a class of slaves who are beneath the chiefs' retainers in the social hierarchy. It consists of people born into this status and of captives.

PROPERTY

922 All cattle, though individually owned, belong in theory to the local group as a whole and are worked for the common benefit of all. For example, the cattle paid as a bride price when a girl marries within her own sib go to a new owner, but the milk, butter, cheese, and hides from them continue to be shared by everyone in the sib. When a woman receives cattle as a bride price for her daughter any new stock born to them belongs to the daughter's husband and his sons, and when the animals are rounded up for the annual branding each son is allowed to brand a certain number of them.

ETIQUETTE

576 The *Goajiro* are in general unfriendly to strangers but have a well-
579 established code of hospitality. Strangers calling at a house must wait until invited in. Inside a house a bowl of chicha or rum (coffee when available) is the first gift offered the visitor, who is thereafter given a hammock and treated as a member of the family. A special feast may
565 be arranged if there are many guests. A guest of high rank is feasted, and some of the young girls of the house may be placed at his disposal.

LAW AND ORDER

627 The chiefs have little power outside their own local group, where they settle minor disputes. The solution of many disputes and transgressions of custom are left to the parties concerned. The laws of group respon-
628 sibility and group retaliation lead to frequent intertribal feuds. A person
614 without a strong sib to protect him is helpless, for others may use any act which may conceivably be interpreted as harmful as pretext for demanding indemnity. For example, a person injured while intoxicated may demand payment from the person who sold him the rum, or a person injured by a borrowed animal may demand payment from the owner of the animal; a thief who hurts himself when trespassing on the property of his intended victim will demand compensation of him; and anyone aiding a sick or wounded person who subsequently dies incurs a liability.

872 If a person injures himself he must make an expiatory gift to the members of his own sib and a lesser gift to his father's relatives. If a child dies when under the care of one parent, this parent must reimburse

9: Santa Cruz E-5 (1958) 1960
SC13 Goajiro SC13

goats, mules, asses, and horses. Approximately 60% of this total he acquired through inheritance, as his maternal uncle was a wealthy man and, in his time, the leader of the Pushaina clan. The rest of his property, Panchito has acquired through the payment of bride-prices received for his nieces. Unquestionably, Panchito Silva has become wealthy and the leader of his clan through inheritance, although, through the years, as he has aged and his nieces have married he has become more firmly established in his position.

Members of the Pushaina clan come to Panchito from the most remote places of the peninsula (both from Colombia and Venezuela), to seek his advice; to ask him to settle disputes among families within the clan; to tell him about injuries received by a clan member so he can establish the amount of compensation to be paid and exact payment from the offending clan; to fix the bride-price of a given girl member of the clan; to establish how much each male member must contribute in order to pay compensation due to another clan; and for many other minor details of clan organization and function. The writer was a guest at Panchito's home for two days and, during that period, Panchito received the visit of no less than 63 clan members, who, in all, brought about 25 or 30 different clan problems to be settled.

The story of José de la Rosa Fernandez, although different from that of Panchito Silva, represents a second method of acquiring status following the traditional law of the tribe. José de la Rosa Fernandez is also a full-blooded Indian, about 65 years old. He has had seven wives, but always one at the time, except now when he has two. One of them is an old woman with whom he lives most of the time, and just recently he married a very young girl (who remains living with her mother) whom he visits once or twice a week. Fernandez's position in the Uriana clan is very similar to that of Silva in the Pushaina. The writer was not able to hold private conversations with Fernandez and, consequently, exact data regarding his property are lacking. Although he did not inherit too much property nor the clan leadership as in Silva's case, he was fortunate to have many nieces whom he has managed to marry off very well and to get large bride-prices for them. Thus he began to accumulate property and at present he is probably the richest man in the

In Santa Cruz E-5 (1958) 1960
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Venezuelan Guajiro. As his wealth grew so did his prestige. About twenty years ago the then leader of the Uriana clan died leaving no heirs, as he had no brothers and no direct nephews. Guajiro tradition establishes that, if upon the death of a clan leader and wealthy man there are no close heirs, even though there be distant ones, a council of elders (informally chosen among the oldest and most respected men of the clan) will meet and select the individual who shall take over not only the leadership of the clan but the wealth of the deceased as well. These cases are very infrequent (actually the writer could only find, in the memory of the oldest men, two instances of a council of elders meeting to select a leader; one is the case mentioned in this article, and the other occurred among the Epieyú clan, in Colombia, about fifty or sixty years ago). Fernandez now confesses, quite candidly, that at the time of the meeting of the council of elders, he distributed a number of gifts among them, thus succeeding in having them select him as clan leader and heir to the wealth of the dead chief.

It is interesting to note—and it shows how much acculturation Guajiro culture has undergone with the assimilation of the cattle complex—that the true Guajiro term for leader or chief (which also means "old man") *alat'lasu* is almost all but forgotten and practically never used, having been substituted by the word *to'olo* a corruption of the Spanish word *toro* meaning BULL. (Stops are not glottal, but simple stoppage of the sound to be renewed with the coming vowel. Phonetic transcription have followed those given by Dr. Martha Hilderbrandt's work on the Guajiro language published by the Comisión Indigenista, Venezuela, in 1958).

The role of Fernandez as leader of the Uriana clan is an exact replica of Silva's. He acts as adviser, settles disputes, makes arrangements for the payments of torts, bride-prices, etc. His day is fully as busy as that of Silva and he attends to all these matters besides his personal affairs.

Here we have, then, the two traditional ways of acquiring status in Guajiro society that the present writer has been able to investigate; one through inheritance, as in the case of Panchito Silva; and the other, through selection by a council of elders, as in the case of José de la Rosa Fernandez. It is doubtful that